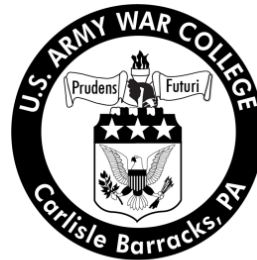


Strategy Research Project

Strategic Decision to Utilize Abu Ghraib

by

Lieutenant Colonel David W. DiNenna, Sr.
United States Army Reserve



United States Army War College
Class of 2012

DISTRIBUTION STATEMENT: A

Approved for Public Release
Distribution is Unlimited

This manuscript is submitted in partial fulfillment of the requirements of the Master of Strategic Studies Degree. The views expressed in this student academic research paper are those of the author and do not reflect the official policy or position of the Department of the Army, Department of Defense, or the U.S. Government.

The U.S. Army War College is accredited by the Commission on Higher Education of the Middle States Association of Colleges and Schools, 3624 Market Street, Philadelphia, PA 19104, (215) 662-5606. The Commission on Higher Education is an institutional accrediting agency recognized by the U.S. Secretary of Education and the Council for Higher Education Accreditation.

REPORT DOCUMENTATION PAGE				Form Approved OMB No. 0704-0188	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing this collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS.					
1. REPORT DATE (DD-MM-YYYY) 22-03-2012		2. REPORT TYPE Strategy Research Project		3. DATES COVERED (From - To)	
4. TITLE AND SUBTITLE Strategic Decision to Utilize Abu Ghraib				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S) Lieutenant Colonel David W. DiNenna, Sr.				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Colonel Steve Donaldson Peace Keeping and Stability Operations Institute				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES) U.S. Army War College 122 Forbes Avenue Carlisle, PA 17013				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION / AVAILABILITY STATEMENT Distribution A: Unlimited					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT The stigma associated with the Abu Ghraib prison in Iraq under Sadaam Hussein was one of fear, torture and executions. This paper will examine and evaluate the United States' strategic decision to utilize Abu Ghraib prison in June 2003 as the premiere confinement facility in Iraq and the implications of that decision. It will discuss the repercussions, challenges and the strategic failure in planning for Operation Iraqi Freedom Internment/Resettlement operations.					
15. SUBJECT TERMS Baghdad Correctional Facility, Internment/Resettlement, Secretary of Defense					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES	19a. NAME OF RESPONSIBLE PERSON
a. REPORT UNCLASSIFIED	b. ABSTRACT UNCLASSIFIED	c. THIS PAGE UNCLASSIFIED			19b. TELEPHONE NUMBER (include area code)
			UNLIMITED	26	

USAWC STRATEGY RESEARCH PROJECT

STRATEGIC DECISION TO UTILIZE ABU GHRAIB

by

Lieutenant Colonel David W. DiNenna, Sr.
United States Army Reserve

Colonel Steve Donaldson
Project Adviser

This SRP is submitted in partial fulfillment of the requirements of the Master of Strategic Studies Degree. The U.S. Army War College is accredited by the Commission on Higher Education of the Middle States Association of Colleges and Schools, 3624 Market Street, Philadelphia, PA 19104, (215) 662-5606. The Commission on Higher Education is an institutional accrediting agency recognized by the U.S. Secretary of Education and the Council for Higher Education Accreditation.

The views expressed in this student academic research paper are those of the author and do not reflect the official policy or position of the Department of the Army, Department of Defense, or the U.S. Government.

U.S. Army War College
CARLISLE BARRACKS, PENNSYLVANIA 17013

ABSTRACT

AUTHOR: Lieutenant Colonel David W. DiNenna, Sr.
TITLE: Strategic Decision to Utilize Abu Ghraib
FORMAT: Strategy Research Project
DATE: 22 March 2012 WORD COUNT: 5,536 PAGES: 26
KEY TERMS: Baghdad Correctional Facility, Internment/Resettlement, Secretary of Defense
CLASSIFICATION: Unclassified

The stigma associated with the Abu Ghraib prison in Iraq under Sadaam Hussein was one of fear, torture and executions. This paper will examine and evaluate the United States' strategic decision to utilize Abu Ghraib prison in June 2003 as the premiere confinement facility in Iraq and the implications of that decision. It will discuss the repercussions, challenges and the strategic failure in planning for Operation Iraqi Freedom Internment/Resettlement operations.

STRATEGIC DECISION TO UTILIZE ABU GHRAIB

To be a prisoner means to be defined as a member of a group for whom the rules of what can be done to you, of what is seen as abuse of you, are reduced as part of the definition of your status.¹

—Catharine MacKinnon
Activist

Abu Ghraib - Historical Perspective under Saddam Hussein 1970-2003

From 1970 until 2003 Abu Ghraib prison was known throughout the world for its torture, rape, murder and execution. The prison, located in Abu Ghraib city in the middle of the Sunni Triangle, was built by Saddam Hussein in 1970 to imprison his political enemies, criminals and those that confronted his authority and reign. Abu Ghraib was a virtual city within a city. The political section of Abu Ghraib was divided into "open" and "closed" wings. The closed wing housed only Shi'ites. The open wing held all other varieties of real or suspected activists. The "closed" wing was so named because its inmates -- at least until 1989 -- were permitted no visitors or outside contact. Cells measured approximately four meters by four meters and held an average of 40 persons.² It was the "central location of the tyrannous state's machinery of incarceration and torture."³ The prison was the most feared facility amongst the Iraqi people. It is reported that on 10 December, 1999, an execution in Abu Ghraib prison claimed the lives of 101 people in one day. On 9 March 2000, 58 prisoners were killed at the same time. Historical records show the last corpse interned was number 993.⁴ It is also reported that many prisoners were used as subjects for the government's testing of chemical and biological weapons.

In 2002 Saddam Hussein granted immunity to all prisoners confined at Abu Ghraib prison, an event without precedence. It is estimated that 13,000 prisoners were

released and that thousands of Iraqis stormed the prison in search of their family members. Additionally, many prisoners and family members removed dead bodies from inside the prison and found numerous unmarked grave sites containing hundreds of unidentifiable prisoners. The prison was looted and vandalized, stripped of all electrical wiring and tubes, water lines, doors and extremely damaged rendering it uninhabitable for future use. Additionally, all prisoner records and medical documentation were burned.

United States Historical Perspective on Enemy Prisoner of War (EPW) Operations

History –EPW OPNS and Location of Facilities. Since the establishment of the Geneva Conventions, the United States has had a history of conducting military operations in accordance with the guidelines they established. Despite isolated incidents, U.S. service personnel have treated Enemy Prisoners of War with dignity and respect as described by the Geneva Convention. During WWII, German soldiers did not fear being captured by U.S. forces after hearing of the proper treatment their comrades were receiving. During Operation Desert Storm in 1991, Iraqi soldiers willingly surrendered to U.S. forces and were immediately repatriated upon conclusion of combat operations. Historically, the United States armed forces have captured vast numbers of prisoners. However, there has been a common flaw throughout the strategic planning of U.S. combat operations which was to underestimate the number of prisoners and the costs associated with the custody, care, and control and release of those being detained.

WWII. At the conclusion of World War II, nearly every state in the U.S. had established Prisoner of War (POW) camps housing over 425,000 prisoners of war. There were over 500 Area Camps in the U.S. and 18 facilities in the Allied occupied

territory in Germany.⁵ The facilities that remained within the theater of operations were placed in relatively safe areas in Germany, in order to protect the prisoners and maintain uninterrupted operations. The United States was unprepared for the amount of prisoners and the speed in which they were captured. U.S. policymakers were slow to realize that prisoners should not simply be warehoused and used to fill labor needs but that they provided an opportunity to help shape the continuing conflict and postwar Europe.⁶ Policymakers then initiated educational programs for the prisoners. Initially, it was believed that the prisoners would not accept these programs, however, they eventually did and they proved to be very successful in educating them about the United States and democracy.

Korea. The United States did not carry forward the lessons learned from WWII. Again, the U.S. was not prepared for the rapid capture of tens of thousands of prisoners. They lacked qualified personnel to care and confine the prisoners as well as difficulty in realizing the strategic influence that prisoners contributed to the battlefield. The prisoners were housed on U.S. Navy ships and in a few very large facilities which contributed immensely to prisoner disturbances. The U.S. provided education and information programs for the Korean prisoners which proved to be successful despite the attempts of the communist prisoners to disrupt the classes.

Vietnam. The U.S. elected to establish facilities in the I, II, III and IV Corps rear areas. The camps were operated by the South Vietnamese military police. The U.S. ensured that the facilities were operated within the conventions for treatment of enemy prisoners of war hopeful that the North Vietnamese would treat the American prisoners in the same manner. However, the North Vietnamese did not deem that the Geneva

Convention applied since they stated that the conflict was internal and the U.S. was interfering. Vietnam's infamous Hanoi Hilton was the site where US prisoners were tortured and interrogated, receiving inadequate food and medical treatment. Although North Vietnam was a signatory of the Third Geneva Convention of 1949, which required "decent and humane treatment" of prisoners of war, yet, they employed severe torture methods, such as rope bindings, irons, beatings, and prolonged solitary confinement. The aim of the torture was usually not acquiring military information; rather, it was to break the will of the prisoners, both individually and as a group.⁷

During this conflict, it is also the first time that the U.S. conducted morale and motivation surveys of the North Vietnamese prisoners. Despite being prisoners their morale and motivation for their country remained high.

Iraq – Desert Shield/Desert Storm. During Desert Shield/Desert Storm, EPW operations were strategically planned and conducted in accordance with the current U.S. doctrine at that time. Prisoners captured in the main battle area were escorted to a division forward collecting point and then evacuated to the Corps Holding Area (CHA) and then back hauled to the Theater Internment Facility (TIF) located in the communications zone (COMMZ). The entire process was required to be executed within a 96 hour period to free combat Soldiers and Military Police (MP) to perform other missions. The facilities located in the COMMZ were selected because of their proximity to roadways, airports and water. Prisoners are held at these facilities or transferred to the host nation or another designated coalition member until repatriated.

Iraq – Operation Iraqi Freedom. Central Command (CENTCOM) and Coalition Land Forces Component Command's (CFLCC) military police, G1 and G4 planners

planned EPW operations based on the Desert Storm model. The strategic planning factors consisted of detaining large numbers of Iraqi soldiers that have surrendered until the conclusion of combat operations; at which time the prisoners would be repatriated or transitioned to Iraqi control. However, an Iraqi interim government had not been established upon the toppling of the regime, so the transition did not occur.

Despite the decisive victory in Iraq, strategically the U.S. was not prepared for the post-combat operations and the prisoner population that had to be confined for an extended period of time. Additionally, the conditions were different; the U.S. was invading the country of Iraq versus removing Iraqi forces from another country which presented a different mindset for the Iraqi people, despite the removal of an oppressive, dictatorial government. There were miscalculations on the amount of prisoners that would be captured. Major General Barbra Fast, the CJTF-7 J2, stated during the after-action review of Operation Iraqi Freedom (OIF I), “Those who made the predictions were betting on units surrendering in place so there wasn’t as much attention paid to really having a plan as there should have been... we were, as a force, much more prepared for prisoners of war and the idea that at the end of major hostilities, in accordance with the Geneva Conventions, prisoners are released.”⁸

Operational Environment

Area of Operation – Utilizing Abu Ghraib. During the beginning of the invasion, strategic planners had planned on the establishment of two major facilities, Camp Bucca, located near the port of Umm Qasr in southern Iraq approximately 150 miles south of Baghdad near the Kuwaiti border, and Camp Cropper, located at the Baghdad International Airport (BIAP) complex. Camp Bucca was constructed in the desert, within close proximity to a secure major supply route (MSR), seaport, and terrain that could

be both expanded and secured. However, the decision to utilize Abu Ghraib was based on several factors one of which was the lack of transportation required to move prisoners to Camp Bucca.

In 2003 Abu Ghraib was selected by Ambassador L. Paul Bremer, who envisioned it as a temporary facility, to be used for criminal detainees until the new Iraqi government could be established and an Iraqi prison established at another site.⁹ Despite LTG Sanchez's, Commander CJTF-7, reservations concerning the utilization of the Abu Ghraib prison as he states in his book A Soldier's Story, Wiser in Battle, it was a Sunni stronghold where we were sure to experience continued resistance,¹⁰ he determined that it would serve as a prime location for detainees captured during Operation Victory Bounty in July 2003 and future military sweeps due to its location in the proximity of the sweeps and major combat operations. Abu Ghraib prison was later designated Baghdad Central Confinement Facility (BCCF), the premiere confinement facility in Iraq to confine both civilian criminals and detainees.

Strategic planners who wrote CENTCOM's Operations Plan (OPLAN) 1003-V directed that all prison operations be transitioned to the control of the Coalition Provisional Authority (CPA), a transitional government created by the United States. The 800th Military Police Brigade commanded by BG Paul Hill and then BG Janis Karpinski, assumed mission command of detainee operations in theater while Combined Joint Task Force – 7 (CJTF-7) was responsible for Support and Stability Operations (SASO). Prison operations and other government control were transitioned to Iraqi control once CPA had assisted the nation of Iraq in establishing government, infrastructure and agencies to assume operations.

The utilization of Abu Ghraib as the central confinement facility in Iraq presented significant strategic, operational and tactical issues. The stigma associated with its history, location in the Sunni triangle, and lack of resources such as force protection, water, electric and a secure MSR within its vicinity, presented challenges never to be seen by U.S. forces in the past.

CPA

During Phase IV, SASO, Ambassador Paul Bremer, CPA, issued two orders in April and May 2003 which disestablished the Ba'ath party of Iraq eliminating the party's structures and removing its leadership from positions of authority and responsibility in Iraqi society¹¹ and abolished the Iraqi military, security forces, paramilitaries and all Ministries and National Bureau agencies.¹² These orders removed the potential for future organizations that would be able to assume operations and assist with the reconstruction of Iraq. This contradicted CENTCOM's intent which was outlined in OPLAN 1003-V and had a significant impact on the strategic, operational and tactical environment.

The inadequate plan for detainee operations did not provide the resources or force protection for the Army Military Police units to operate the facility in a combat zone. Additionally, the orders had an impact on millions of Iraqis, adding to the revulsion of the people toward the coalition. Coupled with a growing resentment of the Iraqi people, CPA also had to deal with the increasing number of prisoners as a result of the increased insurgency.

Combined Joint Task Force – 7 (CJTF-7)

When the V Corps headquarters transitioned to that of a CJTF-7, the headquarters lacked the necessary resources to perform their assigned missions in

addition to the growing insurgency and the increasing number of detainees. CJTF-7 was challenged with the failure of not only planning for a major insurgency, but also quickly and adequately adapt to the insurgency that followed after major combat operations.¹³

CJTF-7 initial three-fold mission was:

1. Continue offensive operations. Eliminate enemy forces that are still in the country. Defend the nation from all external threats.
2. Provide direct support to CPA.
3. Provide aid for humanitarian assistance and the reconstruction of Iraq.¹⁴

The strategic and operational decision to utilize Abu Ghraib placed additional requirements on CJTF-7 that they could not provide. LTG Sanchez was faced with the dilemma of where to concentrate his combat forces. Counter Insurgency Operations (COIN) was now his primary focus which diminished his capability of providing force protection to the Abu Ghraib facility based on the forces he was provided. Such a demanding requirement of force protection would not have been necessary if the central confinement facility for the theater was not placed in the middle of a combat zone.

Compounding this issue was LTG Sanchez's desire to destroy the insurgency and provide CPA and additional agencies the opportunity to conduct reconstruction of the country. Therefore, he ordered several sweeps that resulted in a vast amount of prisoners being transported to Abu Ghraib. This overwhelmed an already overcrowded, under-resourced facility that was continually under attack from insurgent forces. The MP units were under strength based on Soldiers being released from active duty (REFRAD) for extraneous reasons as well as a result of previous mobilizations such as Noble Eagle and Enduring Freedom. Additionally, the prisoner population far exceeded the doctrinal numbers for the command and control of an MP battalion and subordinate

MP companies which were located at Abu Ghraib. CJTF-7 staff, Central Command and JCS should have known and reacted to the serious limitations of the battalion of the 800th MP BDE at Abu Ghraib and either requested additional MP forces from FORSCOM or reallocated those already in theater.¹⁵

Other issues also arose as a result of these operations. Prisoners who had been deemed not a security risk or intelligence threat were not being released at the division collection points by the Division Commanders. Instead they were being transported to Abu Ghraib where they had to be processed and detained. With the rise in the prisoner population, CJTF-7 was faced with the demand for more resources and an efficient system to release or parole prisoners that were no longer a threat.

Once CJTF-7 established a release board, there was a reluctance to release prisoners from recommendations from local combat commanders, intelligence organizations and law enforcement agencies.¹⁶ The hesitation and reluctance resulted in the extended confinement of non-threatening detainees which resulted in the creation of enemies of the state and an increased risk and danger to the outnumbered military police.

Military Police Force Structure

There were three military police brigade headquarters in theater at the beginning of OIF 1, and during the initial operation of Abu Ghraib. The 18th Military Police Brigade, a corps asset, was headquartered in Iraq and was responsible for combat support (CS) operations. The 220th MP BDE, a theater asset, was originally headquartered in Kuwait with forces operating in Iraq conducting CS operations and site security. The 800th MP BDE, who was designated as the responsible MP headquarters for theater detainee operations, was originally co-located with the 377th Theater Support

Command (TSC) in Kuwait under the administrative control of LTG McKiernan, Commander, Coalition Forces Land Component Command (CFLCC). LTG Sanchez recognized the flaw in the strategic and operational decision to leave the 800th MP BDE in Kuwait and coordinated with LTG McKiernan to relocate the 800th MP BDE to Iraq and assume operational control of the headquarters and their MP forces.

The brigade was tasked in June 2003 by CJTF-7, to assume command of detainee operations as well as establishing the Iraqi corrections system. The objective was to establish the civilian prisons, train Iraqi correctional officers and transition operations to the government of Iraq while operating the Internment/Resettlement (I/R) facilities. This presented several challenges to the 800th MP BDE and CJTF-7 since the initial redeployment plan was not re-evaluated resulting in the redeployment of four I/R battalions from December 2003 to February 2004. Additionally, several I/R units remained in Kuwait conducting customs operations.

The units that remained in Iraq, and assigned to the 800th MP BDE, were generally under strength, because Reserve Component (RC) units did not have an individual personnel replacement system to mitigate medical losses or the departure of individual Soldiers that had reached 24 months of federal active duty in a five-year period.¹⁷ Additionally, the Modification Table of Organization and Equipment (MTOE) of MP I/R reserve units are not equipped with the weapons systems or personnel as that of MP Combat Support (CS) units. Therefore, the MP units remaining did not possess the troop to task and resources to operate at the Abu Ghraib facility in the Sunni triangle versus a facility not located in the combat zone.

Internment/Resettlement – Inside the Four Walls

Internment/Resettlement operations provide the combatant commander the freedom to pursue combat and stability operations without the impediment and disruption of the battlefield. Additionally, these operations have a distinct impact on the strategic plan of the United States. When combat operations progress to SASO, it is critical that the host nation be integrated into U.S. I/R operations so that the prisoners can be transferred to their control.

A Military Police Internment/Resettlement battalion is tasked with establishing and operating Internment/Resettlement facilities to process, handle, care for, account for, and secure up to 4,000 Enemy Prisoners of War or other detained personnel captured, interned or detained during combat operations until released or repatriated. I/R units are designed, manned and equipped to maintain care, custody and limited protection to prisoners located in a relatively safe environment. Articles 19 and 23 of the Geneva Convention state:

Prisoners of war shall be evacuated, to camps situated in an area far enough from the combat zone for them to be out of danger. Prisoners of war shall not be unnecessarily exposed to danger while awaiting evacuation from a fighting zone, or detained in areas where he may be exposed to the fire of the combat zone.¹⁸

The decision to utilize Abu Ghraib, which was 20 miles west of Baghdad, can be construed to be in direct conflict of Articles 19 and 23 of the Geneva Convention as verified by MG Antonio Taguba's investigation; there were numerous mortar attacks, random rifle and RPG attacks, and a serious threat to Soldiers and detainees in the facility.¹⁹

In addition to the Geneva Convention, these units receive training in accordance with several other documents. The Law of War, as outlined in the U.S. Department of

the Army Field Manual 27-10, *The Law of Land Warfare* (1956) details how countries conduct themselves on the battlefield. Army Regulation 190-8 *Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees* establishes policies and planning guidance for the treatment, care, accountability, legal status, and administrative procedures for captured and detained personnel. Field Manual 3-19.40 *Military Police Internment/Resettlement Operations* depicts the doctrinal foundation, principles, and processes that MP will employ when dealing with enemy prisoners of war (EPWs), civilian internees (CIs), US military prisoner operations, and MP support to civil-military operations (populace and resource control [PRC], humanitarian assistance [HA], and emergency services [ES]).²⁰ I/R units also receive specialized training emphasizing human relation techniques, methods of self defense, use of force, rules of engagement, stress management techniques, cultural customs and habits of internees and the basic language.

During the infamous Abu Ghraib abuses investigation in the spring of 2004, LTG Jones' investigation determined that "abuses would not have occurred had doctrine been followed and mission training conducted."²¹ The investigation revealed that established Army doctrine had not been followed and that combat support military police units, whom had been tasked to conduct I/R operations had not been properly trained. These units were utilized due to the redeployment of several I/R MP units.

Outside the Four Walls – Force Protection

Force Protection and security for the Abu Ghraib facility and surrounding area was initially the responsibility of the 320th MP BN (I/R). I/R units are not equipped with the necessary weapons, vehicles or personnel to conduct extended force protection operations outside of the facility, nor does their command and control structure support

it. They are equipped to conduct detention operations which focus on the security of the compounds and the prisoners. The design of I/R units was based on the planning consideration that the facilities they would be operating would be located in a relatively safe environment and not in the combat zone exposed to hostile threats. The defense of the exterior of the facilities is the responsibility of the combat unit designated area of responsibility.

At Abu Ghraib, outside-the-wire responsibilities during the summer of 2003 and winter of 2004 were the responsibility of the 3d Armored Cavalry Regiment and then the 82d Airborne Division. The 82nd ABN DIV provided a platoon from A company, 1/504th Infantry Parachute Regiment while 3rd ACR did not provide any direct support nor conduct active operations in the vicinity of Abu Ghraib. Strategically, operationally and tactically, Abu Ghraib was not a priority for force protection and was initially the responsibility of the MP I/R units. Following LTG Sanchez's visits to the Abu Ghraib facility, the CJTF-7 staff issued a Fragmentary Order (FRAGO) in November 2003 placing the 205th Military Intelligence Brigade Commander in charge of forces at Abu Ghraib for force protection and defense of the facility.²²

However, additional forces were not provided and the MP were tasked to continue to conduct force protection operations. Additionally, this convoluted the chain of command of the facility. The MP battalion was operating under two separate chains of command. The 800th MP BDE to which the BN was assigned, was concerned with the mission of confining prisoners and the 205th MI BDE was responsible for interrogations, intelligence collection and now force protection.

Unity of Command/Effort

Unity of Command was severely hampered as a result of the units and missions that were located at Abu Ghraib. Designating the facility as the primary location for interrogations as well as confining civilian and non-civilian detainees created operational and tactical turmoil. The Secretary of Defense was intimately involved in operations with the MI BDE through VTC and correspondence, pressuring the command for real time intelligence gathering. This added to tangled command relationships.²³ Issues ranged from an unclear military intelligence chain of command, to the tactical control relationship of the 800th MP BDE with CJTF-7.²⁴ Both BDE commanders had orders to follow and missions to accomplish. Yet, the mixed chain of command established by LTG Sanchez and convoluted by the direct involvement of the SECDEF impacted significantly on the operational and tactical procedures. MG Taguba recommended in his report that detainee operations should be consolidated under the responsibility of a single commander who would report directly to the Commander CJTF-7.²⁵ The responsibilities and direction given to the MP were further complicated after MG Geoffrey Miller's visit to Abu Ghraib in August 2003. MG Miller was the Commander of the Guantanamo Bay Facility since November 2002. He was requested to visit Abu Ghraib from the Department of Defense with the Tiger Teams from GITMO to assist with the interrogations at the Abu facility. LTG Sanchez had given MG Miller the authority to make changes telling him if there are things that are wrong and can be fixed immediately, then by all means go ahead and take action.²⁶ This directive further complicated the chain of command and the directives given to the Soldiers operating the facility. Most noteworthy was when MG Miller directed that the MP set the conditions for interrogations.

Military Police Missions and Responsibilities

MP are not trained to conduct or participate in interrogations, nor are they trained to set conditions for interrogations. MP provide care, custody, and control for detainees and MI Soldiers are responsible for the interrogations and screening of detainees. This decision even further complicated the chain of command and the MP responsibilities. The delineation of responsibilities for interrogations between the military intelligence and military police may not have been understood by some Soldiers and some leaders.²⁷ MP and MI Soldiers need to coordinate for effective operations at an I/R facility, however, the delineated responsibilities must stay intact. The distinctive lines of responsibility were blurred upon the directive to place untrained MP in the position to set the stage for interrogations.

Classification of Detainees – Secretary of Defense

In accordance with Department of Defense and Army doctrine, detainees are classified under five categories in FM 3-19.40 *Military Police Internment/Resettlement Operations*.

- EPW - A member of an enemy armed force or a member of a militia or a volunteer corps forming part of an enemy armed force.
- Civilian Internee (CI) - A person who is interned during armed conflict or occupation if he is considered a security risk or if he needs protection because he committed an offense (insurgent, criminal) against the detaining power. A CI is protected according to the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC), 12 August 1949.
- Retained person (RP) - A person who is a member of the medical service of an enemy armed force, a chaplain attached to an enemy armed force, a member of the International Federation of Red Cross and Red Crescent Societies (IFRC) or another voluntary aid organization.
- Other detainee (OD) - A person in the custody of US armed forces who has not been classified as an EPW (Article 4, GPW), an RP (Article 33,

GPW), or a CI (Article 78, GC) is treated as an EPW until a legal status is ascertained by competent authority.

- Dislocated Civilian (DC) - A civilian who has left his home for some reason, such as a refugee, evacuee, displaced person and war victim.

Status of Prisoners – Iraq

At the beginning of OIF, prisoners were classified as EPWs unless they were determined to be a RP. The enlisted and officer prisoners were segregated as well as medical or religious personnel. Soldiers were utilizing the basic rules of confining EPWs in accordance with the Geneva Conventions and Army doctrine. After the collapse of the Regime, tribunals were established at Camp Bucca to release EPWs that qualified. Personnel whom were now being captured would be considered Civilian Internees as per FM 3-19.40. That changed as the insurgency and quest for intelligence rose. The Secretary of Defense, Donald Rumsfeld, reclassified the prisoners in two categories, Security Detainees and Criminal Detainees. The change in classification initially seemed appropriate as the end of major combat operations had been declared. However, the change had second and third order of affects that would impact detainee operations on the operational and tactical levels.

During OIF 1, the Internment/Resettlement Information System (IRIS) was the program utilized to maintain accountability of internees. Difficulties existed due to prisoners arriving at Abu Ghraib without full details of their capture to include correct spelling of their names and family locations. These issues coupled with a change in classification compounded the problem of proper identification and accountability. The program accounts for civilians that are classified as a CI or DC, and not a security detainee (SD) or a criminal detainee (CD) as the change in classification directed. After prisoners are in-processed into the IRIS, the information is forwarded to the

Internment/Resettlement Information Center (IRIC) in theater which is then forwarded to the national IRIC to maintain national accountability.

The accurate accountability became convoluted as a result of the change in the classification of prisoners. Security detainees had to be processed in IRIS and the Biometric Automated Toolset System (BATS) and criminal detainees has to be re-processed into BATS. Thousand of prisoners had to be transported from the compounds through the in- processing line to attempt to comply with the new directive.

Interagency Planning

Strategically, there was a lack of interagency planning which attributed to the lack of accountability at the Abu Ghraib facility. Additionally, it added to the convoluted chain of command and responsibility for the detainees. Other Government Agencies (OGA), as well as British intelligence officers frequented Abu Ghraib in search of specific detainees or to have certain detainees confined at Abu without proper processing or accounting. At the direction of SECDEF Rumsfeld, OGA was permitted to confine prisoners at Abu Ghraib without being processed. These prisoners were later labeled as “ghosts detainees”. During a press conference in June 2004, Secretary Rumsfeld confirmed not only that he was asked by CIA Director George Tenet to hide a specific detainee, but also that he hid the detainee and that the detainee was lost in the system for more than eight months.²⁸ This practice created significant accountability and responsibility issues for the 800th MP BDE and the 320th MP BN since there was no prior coordination. I/R MP battalions are responsible for the accountability of all detainees that are brought to the facility.

The strategic decision not to in-process these detainees had second and third order effects that were not considered or evaluated. Based on the decision to utilize a

facility in a combat zone, it was critical that the MP account for all prisoners especially when the facility was attacked. Both prisoners and Soldiers were killed or injured during these attacks, and immediate accountability had to be taken. Prisoners that were not in-processed could not be accounted for in the event that they had to be medically evacuated or killed. Additionally, both MI and MP Soldiers were not trained in the tactics of OGA personnel and were not aware of their interrogation techniques or tactics, techniques and procedures.

OGA

The decision to allow OGA to bring detainees to Abu Ghraib and securing them in the cells operated by the MP placed service members operating the facility in a precarious position to determine the legal treatment of prisoners. MP are trained to follow certain treatment and procedures for detainees, yet, OGA demonstrated different procedures for both. There was at least the perception, and perhaps the reality, that non-DOD agencies had different rules regarding interrogation and detention operations. Such a perception encouraged Soldiers to deviate from prescribed techniques.²⁹

Placement of I/R Facilities

Camp Bucca and Camp Cropper were the I/R facilities that the United States initially selected to utilize at the beginning of the war. Their locations were within the guidelines of the Geneva Convention and were easily accessible by coalition forces and defendable from the enemy. The strategic decision to utilize Abu Ghraib proved to be inadequate for safeguarding Soldiers and prisoners and provided a lack of resources to ensure sufficient force protection and forced the MP and MI Soldiers to perform missions outside of their training which degraded detainee and interrogation operations.

I/R facilities need to be selected in accordance with the Geneva Convention in a secure environment to reduce the opportunity for serious injury or death to the detainees or Soldiers. Additionally, they need to be located where adequate resources and infrastructure can be easily accessed or constructed.

Doctrine

Several aspects of I/R doctrine were not considered during the strategic planning and the final decision to utilize Abu Ghraib. First and foremost, was the selection of the location of the premiere internment facility in Iraq. Doctrine states that an EPW or detainee must be moved as quickly as possible from the combat zone to the COMMZ where an I/R unit interns him.³⁰ Camp Bucca was located in the COMMZ, yet, Abu Ghraib was in the middle of a combat zone. This placed Soldiers and detainees at risk and susceptible to serious injury or death. This doctrine coincides with the Geneva Conventions which dictates that detainees must be interned in a safe environment.

The Army and senior civilian officials must consider both doctrine and the conventions when establishing I/R facilities to ensure that both Soldiers and detainees are safeguarded and secured.

Conclusion

The strategic decision to utilize Abu Ghraib as the central confinement facility in Iraq created many failures at the operational and tactical levels. The second and third order of affects of utilizing a facility with an extremely negative and horrific reputation and located in the middle of the Sunni Triangle was not considered during the planning process. Additionally, it increased the challenges for an undermanned, inadequately resourced and vulnerable facility that was over capacity with detainees and constantly attacked. Facilities at Abu Ghraib were poor. Working and living conditions created a

poor climate to conduct interrogation and detention operations to standard.³¹ However, senior military and civilian officials did not consider the affects when they made the decision to utilize the facility.

The strategic intent, intelligence gathering and interrogations, dominated the purpose and operation of the Abu Ghraib facility. Resources that were provided focused on the military intelligence mission and not on the confinement, security, care of detainees and force protection which are the primary purposes of an I/R facility. The lack of planning and flawed priorities coupled with the decisions of convenience versus doctrine and conventions, contributed immensely to the failures and shortcomings of the operation of the facility.

It is critical that strategic planners and senior officials consider all aspects and affects when planning Internment/Resettlement operations.

Endnotes

¹ Catharine MacKinnon, "Feminism Unmodified: Discourses on Life and Law," 1987, <http://www.brainyquote.com/quotes/quotes/c/catharinem220348.html> (accessed March 6, 2012).

² "Abu Ghurayb Prison", February 14, 2007, Global Security, <http://usiraq.procon.org/view.source.php?sourceID=004089> (accessed December 7, 2011)

³ Pierre Tristam, "Abu Ghraib, <http://middleeast.about.com/od/a/g/abu-ghraib-glossary.htm> (accessed November 29, 2011)

⁴ "Abu Ghraib Prison Explained", Wikipedia, http://everything.explained.at/Abu_Ghraib_prison/ (accessed November 30, 2011)

⁵ Michael Bowman, "World War II Prisoner of War Camps", October 29, 2009, <http://encyclopediaofarkansas.net/encyclopedia/entry-detail.aspx?entryID=2398> (accessed January 24, 2012)

⁶ Cheryl Bernard, *The Battle Behind the Wire, U.S. Prisoner and Detainee Operations from World War II to Iraq* (Santa Monica, CA: Rand, 2011), xiv.

⁷ Frisbee, John L. (February 1989). "Valor en Masse". Air Force Magazine, quoted in Wikipedia, Hanoi Hilton, http://en.wikipedia.org/wiki/Hanoi_Hilton (accessed November 30, 2011)

⁸ Major General Barbara Fast, "On Point II, Transition to the New Campaign: The United States Army in Operation Iraqi Freedom May 2003-January 2005, Combat Studies Press, Fort Leavenworth, Kansas p. 242

⁹ Steven Strasser, *The Abu Ghraib Investigations: The Official Reports of the Independent Panel and the Pentagon on the Shocking Prisoner Abuse in Iraq* (New York, NY: Public Affairs, 2004), 62.

¹⁰ LTG Ricardo S. Sanchez, *A Soldier's Story, Wiser in Battle* (New York, NY: Harper Collins, 2008), 218.

¹¹ Paul Bremer, Coalition Provisional Authority Order Number 1 (Baghdad, Iraq: Coalition Provisional Authority, 16 May 2003).

¹² Paul Bremer, Coalition Provisional Authority Order Number 2 (Baghdad, Iraq: Coalition Provisional Authority, 23 May 2003).

¹³ Strasser, *The Abu Ghraib Investigations: The Official Reports of the Independent Panel and the Pentagon on the Shocking Prisoner Abuse in Iraq*, 10.

¹⁴ Sanchez, 197.

¹⁵ Strasser, 17-18.

¹⁶ Ibid., 64.

¹⁷ Global Security, "800th Military Police Brigade (EPW) (USAR)", <http://www.globalsecurity.org/military/agency/army/800mp-bde.htm> (accessed February 7, 2012).

¹⁸ *Geneva Convention relative to the Treatment of Prisoners of War*, 75 U.N.T.S. 135, entered into force Oct. 21, 1950. Articles 19 and 23.

¹⁹ MG Antonio Taguba, "Article 15-6 Investigation of the 800th Military Police Brigade" (Washington, D.C.: U.S. Department of the Army, 2 May 2004), 38; available from <http://www.findthatfile.com/search-185843-hPDF/download-documents-Taguba-Report.pdf.htm>; Internet; accessed 7 December 2011.

²⁰ U.S. Department of the Army, *Military Police Internment/Resettlement Operations*, Field Manual 3-19.40 (Washington, D.C. U.S. Department of the Army, August 1, 2001), v.

²¹ LTG Anthony R. Jones, "AR 15-6 Investigation of the Abu Ghraib Detention Facility and the 205th Military Intelligence Brigade", August 2004, <http://news.findlaw.com/wp/docs/iraq/tagubarpt.html#FNother2.19>, accessed December 7, 2011

²² Ibid., 16.

²³ Strasser, 18.

²⁴ Ibid., 18.

²⁵ Ibid., 97.

²⁶ Sanchez, 272.

²⁷ Jones, 13.

²⁸ David Swanson, "Rumsfeld Admits to "Ghosting" Detainee", December 29, 2005, http://www.worldproutassembly.org/archives/2005/12/rumsfeld_admits.html (accessed February 14, 2012).

²⁹ Jones, 18.

³⁰ U.S. Department of the Army, *Military Police Internment/Resettlement Operations*, Field Manual 3-19.40 (Washington, D.C. Department of the Army, August 1, 2001), 1-2.

³¹ Ibid., 24.